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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,746	06/06/2002	Muhammed Majeed	108064-00051	1782

4372 7590 10/05/2004

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WASHINGTON, DC 20036

EXAMINER

AZPURU, CARLOS A

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/926,746

**Applicant(s)**

MAJEED ET AL.

**Examiner**

Carlos A. Azpuru

**Art Unit**

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-3, drawn to a method for appetite suppression by administering hydroxycitric acid and garcinol.

Group II, claim(s) 4-6, drawn to a method for inhibiting cytoplasmic citrate lyase comprising HCA and anthocyanin.

Group III, claim(s) 7-9, drawn to a method for increasing fat metabolism comprising HCA and garcinol.

Group IV, claim(s) 10-11, drawn to a method of antioxidant activity of garcinol.

Group V, claim(s) 12,15,16, and 19, drawn to a process of manufacturing hydroxycitric acid.

Group VI, claim(s) 13,17, and 19, drawn to a process of manufacturing garcinol, drawn to a process of manufacturing garcinol.

Group VII, claim(s) 14,18, and 19, drawn to a method of manufacturing anthocyanin.

Group VIII, claim(s) 15 and 19, drawn to a method of manufacturing HCA, garcinol, and anthocyanin.

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Group IX, claim(s) 20, drawn to a method of appetite suppression comprising administering forskolin and garcinol.

Group X, claim(s) 21, drawn to a method of appetite suppression comprising administering forskolin and anthocyanin.

Group XI, claim(s) 22, drawn to a method of appetite suppression comprising administering forskolin, anthocyanin and garcinol.

Group XII, claim(s) 23, drawn to a method of suppressing cytoplasmic forskolin and garcinol.

Group XIII, claim(s) 24, drawn to a method of suppressing cytoplasmic citrate lyase by administering forskolin and anthocyanin.

Group XIV, claim(s) 25, drawn to a method of suppressing cytoplasmic citrate lyase by administering forskolin, garcinol, and anthocyanin.

Group XV, claim(s) 26, drawn to a method of increasing fat metabolism by administering forskolin and garcinol.

Group XVI, claim(s) 27, drawn to a method of increasing fat metabolism by administering forskolin and anthocyanin.

Group XVII, claim(s) 28, drawn to a method of increasing fat metabolism by administering forskolin, garcinol, and anthocyanin.

The inventions listed as Groups I-XVII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I-XVII differ not only in the claimed methods, but also in the different biologically active agents used in the same claimed methods. As such, Groups I-XVII lack the same special technical features.

A telephone call was made to Jautam Prakash on 09/29/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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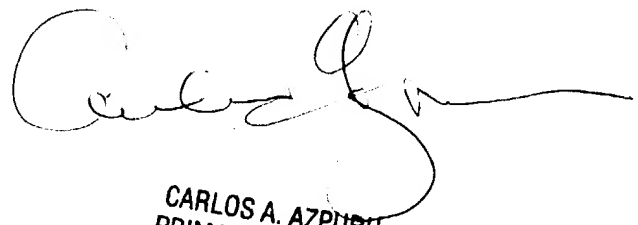
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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